

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HASAN A. MUHAMMED

Plaintiff,

-against-

MARTIN F. HORN, NEW YORK CITY
DEPARTMENT OF CORRECTION, FRANK
SQUILLANTE

Defendant
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MEMORANDUM AND ORDER

08-CV-1403 (ENV)(SMG)

VITALIANO, D.J.

Plaintiff Hasan A. Muhammed filed this action on April 7, 2008 against defendants Martin F. Horn, Frank Squillante, and the New York City Department of Correction for discrimination and retaliation under various federal and state laws. The case was assigned to Chief Magistrate Judge Stephen M. Gold. On August 15, 2008, Judge Gold issued a Report and Recommendation recommending that the case be dismissed due to plaintiff's failure to appear at a scheduled court conference, file a status report and file an affidavit of service pursuant to Federal Rule of Civil Procedure 4(m). No objections to Chief Magistrate Judge Gold's Report and Recommendation have been filed, much less timely filed.

In reviewing a Report and Recommendation, this court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's Report and Recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606,

609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of the docket and the record below, the Court finds Chief Magistrate Judge Gold's Report and Recommendation as to the appropriate disposition of this action to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the Report and Recommendation in its entirety as the opinion of the Court. Accordingly, for all the foregoing reasons, this action is dismissed.

The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
September 30, 2008

s/ENV

ERIC N. VITALIANO
United States District Judge